



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 07-1612**

**Released: April 4, 2007**

**PETITION OF FAIRPOINT COMMUNICATIONS, INC., FOR A WAIVER OF THE ALL-OR-NOTHING RULE IN CONNECTION WITH ITS ACQUISITION OF CERTAIN VERIZON PROPERTIES IN MAINE, NEW HAMPSHIRE, AND VERMONT**

**PLEADING CYCLE ESTABLISHED**

**WC Docket No. 07-66**

**COMMENTS DUE: May 4, 2007**

**REPLY COMMENTS DUE: May 21, 2007**

On February 21, 2007, Fairpoint Communications, Inc. (Fairpoint) filed a petition for waiver of section 61.41(b) and (c) of the Commission's rules.<sup>1</sup> Fairpoint is acquiring certain telephone properties in Maine, New Hampshire, and Vermont from Verizon that are subject to price cap regulation. Fairpoint seeks a waiver of section 61.41(b) and (c)—the all-or-nothing rule—to permit it to continue operating its existing telephone operation pursuant to rate of return regulation, while continuing to operate the properties it is acquiring from Verizon subject to price cap regulation.<sup>2</sup>

Interested parties may file comments on or before **May 4, 2007**, and reply comments on or before **May 21, 2007**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>3</sup> Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed.<sup>4</sup> In completing the transmittal screen, commenters should include their full name, U.S. Postal

<sup>1</sup> Petition of Fairpoint Communications, Inc., for Waiver of Sections 61.41(b) and (c) of the Commission's Rules (filed Feb. 21, 2007) (Fairpoint Petition).

<sup>2</sup> 47 C.F.R. § 61.41(b) and (c) (the all-or-nothing rule would require that Fairpoint convert its rate of return regulated operations to price cap regulations).

<sup>3</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

<sup>4</sup> If multiple docket or rulemaking numbers appear in the caption of a proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption.

Service mailing address, and the applicable docket or rulemaking number, in this case **WC Docket No. 07-66**. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, “get form <your e-mail address>.” A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). **Parties are strongly encouraged to file comments electronically using the Commission’s ECFS.**

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002.

- The filing hours at this location are 8 a.m. to 7 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12<sup>th</sup> Street, SW, Washington, DC 20554. Parties should also send a copy of their filings to Douglas Slotten, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A233, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554, or by e-mail to [douglas.slotten@fcc.gov](mailto:douglas.slotten@fcc.gov). Parties shall also serve one copy with the Commission’s copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Fairpoint’s petition and comments filed by participating parties will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, or by e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>5</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and

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Similarly, commenters filing paper copies must submit two additional copies for each additional docket or rulemaking number.

<sup>5</sup> See 47 C.F.R. §§ 1.1200, 1.1206.

arguments presented generally is required.<sup>6</sup> Other requirements pertaining to oral and written *ex parte* presentations are set forth in section 1.1206(b) of the Commission's rules.<sup>7</sup>

For further information, contact Douglas Slotten of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1572.

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<sup>6</sup> 47 C.F.R. § 1.1206(b)(2).

<sup>7</sup> 47 C.F.R. § 1.1206(b).